

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Establish
Policies and Rules to Ensure Reliable, Long-Term
Supplies of Natural Gas to California.

Rulemaking 04-01-025
(Filed January 22, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING ALLOWING
FOR SUPPLEMENTAL OPENING BRIEFS ON ISSUES
RELATED TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

At least 11 parties filed opening briefs on gas quality issues on January 18, 2006. Reply briefs are due no later than February 1, 2006. In anticipation of the filing of briefs, many parties worked diligently to produce a common outline. At my request, the outline included briefing of the applicability of the California Environmental Quality Act (CEQA) to the decision the Commission would make related to gas quality specifications. The applicability of CEQA appears to be a mixed issue of law and fact.

In asking parties to address the CEQA issue, I was expecting parties to prepare a brief as that term is commonly defined – “a document prepared by counsel as the basis for arguing a case, consisting of legal and factual arguments and the authorities in support of them.” (*Black's Law Dictionary, 7th Edition*, (1999), p.186) Most parties addressed the CEQA question to one extent or another, but only a few appear to have offered citations and authorities to support their positions. Some have simply stated a position, without offering legal support, and some have deferred any consideration of the issue to reply briefs.

This is a critical, threshold issue in the current phase of the proceeding, and I need your best efforts to address it. The benefit of opening and reply briefs is that there is an opportunity for all parties to offer their best arguments and citations, and for all parties to respond to the arguments and citations offered by others. This benefit is lost if parties “lay in wait,” and only disclose the basis for their positions in reply briefs.

A party wishing to advocate a position related to the CEQA question must do so in opening briefs. I may give less weight to the argument and citations of any party that offers full argument and authorities for the first time only in a reply brief. In order to facilitate a more robust discussion, I will allow parties to file and serve supplemental opening briefs on the CEQA question no later than January 25, 2006.

IT IS RULED that:

1. Parties that have not already done so may offer full argument, citations, and authorities on Question XIV on the common gas quality briefing outline in the form of supplemental opening briefs filed and served no later than January 25, 2006.

2. Supplemental opening briefs are limited to the CEQA issue, and shall be served electronically on all parties.

3. I may give less weight to CEQA-related arguments in reply briefs from parties not offering a briefing of legal and factual issues related to CEQA as described in this ruling in either opening or supplemental opening briefs.

Dated January 19, 2006, at San Francisco, California.

/s/ STEVEB WEISSMAN
Steven Weissman

R.04-01-025 SAW/jva

Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day, served a true copy of the original attached Administrative Law Judge's Ruling Allowing for Supplemental Opening Briefs on Issues Related to the California Environmental Quality Act on all parties of record in this proceeding or their attorneys of record.

Dated January 19, 20006, at San Francisco, California.

/s/ JANET V. ALVIAR

Janet V. Alviar

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.